

Application No. : 10/635,366
Applicants : Vitullo, et al.
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REMARKS

Claims 1-24 were pending in the instant application. By this amendment, applicants have amended Claims 20 and 21 to fix typographical errors and has amended Claim 24 to change its dependency. Accordingly, entry of the foregoing claim amendments is respectfully requested.

Claim Objections

Claim 24 was objected to under 35 U.S.C. 75(c) as being in improper dependent form for failing to further limit the subject matter of a previous claim. Claim 24 has been amended to put it in proper dependent form. Accordingly, withdrawal of this objection is respectfully requested.

35 U.S.C. 102 Rejections

Claims 1, 5, 14, 15, 17-19 and 22-24 were rejected under 35 U.S.C. 102(b), as anticipated by Pande (U.S. Patent No. 4,753,565). This rejection is respectfully traversed. Specifically, Pande teaches a catheter having a rigid inner sheath 27 surrounded by a flexible outer sheath 28 where the outer sheath is integrally formed into a tip 23. Pande lacks any teaching of "stiffening section of a predetermined length disposed a predetermined distance proximally of said distal end". Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

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Claims 1, 5-18 and 22-24 were rejected under 35 U.S.C. 102(b), as anticipated by Nelson (U.S. Patent No. 5,702,372). This rejection is respectfully traversed. Nelson teaches the use of a flexible inner liner 41 surrounded by a flexible sheath. Both the flexible inner liner 41 and the flexible sheath extend from coupling 40 to tip 31. Further, Nelson teaches that the entire body of the catheter is flexible. Nelson lacks any teaching of a "stiffening section of a predetermined length disposed a predetermined distance proximally of said distal end". Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

Claims 1-7, 9-15, 17, 18 and 22-24 were rejected under 35 U.S.C. 102(b), as anticipated by Quinn et al. (U.S. Patent No. 6,387,052). With respect to the teaching of Quinn, the patent explicitly states that the outer sheath 404 must be "flexible". Thus, the outer sheath 404 is not a stiffening section. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

35 U.S.C. 103 Rejections

Claims 8, 16 and 19-21 were rejected under 35 U.S.C. 103(a) as being unpatentable over Quinn et al. As discussed above, Quinn teaches away from the use of a stiffening section and accordingly cannot be used as a basis for an obviousness rejection as there is no motivation to combine. In particular, the benefit of the use of PET as a material for the stiffening section cannot be inferred from Quinn as there is no

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teaching in Quinn to use a heat-shrinkable plastic material that is tolerated by the body and provides the desired stiffening action when heat shrunk. Accordingly, reconsideration and withdrawal of this rejection is respectfully requested.

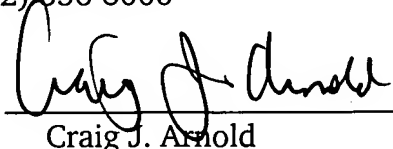
In view of the preceding amendments and remarks, applicants respectfully request that the Examiner reconsider and withdraw the various grounds of objections and rejections set forth in the November 8, 2005 Office Action, and earnestly solicit allowance of the claims current pending, namely Claims 1-24.

It is believed that no fee is necessary in connection with the filing of this Amendment. If any fee is required to maintain the pendency of the subject application, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 01-1785.

Respectfully submitted

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